

1 Rick L. Hoffman  
Federal Defenders of Eastern Washington and Idaho  
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4 Attorneys for Defendant

5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

2:13-CR-6070-WFN

8 Plaintiff,

SUPPLEMENTAL MEMORANDUM  
REGARDING PRE-SENTENCE  
INVESTIGATION REPORT

9 vs.

10 KENNETH RICHARD ROWELL,

11 Defendant.

12 To: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY  
13 ALEXANDER C. EKSTROM, ASSISTANT UNITED STATES ATTORNEY

14 KENNETH RICHARD ROWELL, through counsel, Rick L.  
15 Hoffman for the Federal Defenders of Eastern Washington and Idaho,  
16 submits the following memorandum regarding the presentence  
17 investigation report filed herein.

18 To the Bureau of Prisons (BOP), a defendant's presentence  
19 investigation report (PSIR) is of paramount importance to both the  
20 defendant and to BOP. It impacts every aspect and element of the  
21 defendant's time in custody. *United States v. Brown*, 715 F.2d 387 (5<sup>th</sup>  
22 Cir. 1983). This literally includes the original designation to an  
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24 SUPPLEMENTAL MEMORANDUM  
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1 institution, classification within an institution, security level  
2 determinations, eligibility for programs while in the institution, which  
3 includes educational opportunities and vocational training, providing of  
4 medical and mental health programs and pre-release considerations,  
5 such as furlough and half-way house options.

6 A sentencing court has the authority and duty to consider the PSIR  
7 and order modifications/deletions before the report is forwarded to BOP.  
8 F.R.Cr.P. § 32(i)(3); *United States v. Petti*, 513 F.2d 572 (9<sup>th</sup> Cir. 1975).  
9 Here, Mr. Rowell suggests that the information set forth in the  
10 presentence investigation report, *ECF 52*, at page 11, paragraphs 54 -57,  
11 inordinately impacts the defendant as he enters BOP, is prejudicial to  
12 his placement in BOP and his custody status, programs and release  
13 options, and that this prejudice far outweighs the need or necessity for  
14 this PSIR provision from being in the report.

15 Mr. Rowell respectfully requests that the indicated portion of the  
16 PSIR be deleted from the report.

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24 SUPPLEMENTAL MEMORANDUM  
REGARDING PRE-SENTENCE  
INVESTIGATION REPORT

1 Dated: May 13, 2014

2 Respectfully Submitted,

3 S/ Rick L. Hoffman

4 Rick L. Hoffman,

5 Attorney for Kenneth Richard Rowell

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7 Eastern Washington and Idaho

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13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on May 13, 2014, I electronically filed the  
15 foregoing with the Clerk of the Court using the CM/ECF System which  
16 will send notification of such filing to the following: ALEXANDER C.  
17 EKSTROM, Assistant United States Attorney.

18 S/ Rick L. Hoffman

19 Rick L. Hoffman,